

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CURTIS CUTLER,)
)
Petitioner,)
)
v.) Cause No. 3:17-CV-337 JD
)
SUPERINTENDENT,)
)
Respondent.)

OPINION AND ORDER

Curtis Cutler, a pro se prisoner, filed a habeas corpus petition challenging the prison disciplinary hearing (MCF 16-02-174) where a Disciplinary Hearing Officer (DHO) at the Miami Correctional Facility found him guilty of provoking a staff member/fellow prisoner in violation of C-375. ECF 1 at 1. However, Cutler did not lose any earned time credit and he was not demoted to a lower credit class. *Id.* Thus, the duration of his confinement has not been lengthened by that proceeding. A prison disciplinary hearing can only be challenged in a habeas corpus proceeding where it results in the lengthening of the duration of confinement. *Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003). Because his discipline did not lengthen the duration of his sentence, Cutler is not entitled to habeas corpus relief.

If Cutler wants to appeal this decision, he does not need a certificate of appealability because he is challenging a prison disciplinary proceeding. *See Evans v. Circuit Court*, 569 F.3d 665, 666 (7th Cir. 2009). However, he may not proceed in forma pauperis on appeal because pursuant to 28 U.S.C. § 1915(a)(3) an appeal in this case could not be taken in good faith.

For these reasons, the habeas corpus petition is **DENIED** pursuant to Habeas Corpus Rule 4. The Clerk is **DIRECTED** to close this case. Petitioner is **DENIED** leave to proceed in forma pauperis on appeal.

SO ORDERED.

ENTERED: May 4, 2017

/s/ JON E. DEGUILIO
Judge
United States District Judge